

City of Manassas

November 5, 2010



Comments on the EPA Chesapeake Bay TMDL Program

1. The Chesapeake Bay TMDL Program appears to be front-end loaded with a goal of achieving 60% nutrient targets by 2017. This should be phased to assist the state and localities to address the financial requirements necessary to implement the plan.
2. The City is facing layering of multiple requirements in the area of stormwater regulation. The State is considering possible expansion of the Chesapeake Bay Act, new State stormwater regulations, and the Watershed Implementation Plan (WIP) connected with the Bay TMDL requirements for which the City **does not** have resources to administer or to finance. Estimates in the range of \$7 – \$10 billion dollars have been quoted to fulfill the TMDL requirements in the Bay watershed. If the plan is approved it **can not** be an unfunded mandate. At a recent Stormwater Symposium sponsored by Virginia Tech, the cost to implement just the retrofit requirements were placed at \$700 per household per year. Most stormwater utilities in the Commonwealth range between \$1 - \$20/month. This would significantly impact residents and businesses in the worst economy experienced in over a generation.
3. Flexibility in the Bay TMDL requirements is essential – MS-4 communities across the State can not all be treated the same. Some communities have already developed and implemented significant comprehensive stormwater programs based on current requirements. The pro rata programs authorized under 15.2-2243 of the State Code allow for jurisdictions to place, site, and implement various stormwater strategies on a regional watershed basis. The Bay TMDL requirements should:
 - Allow for pro rata programs
 - Allow for localities to reserve, and keep stormwater nutrient offset credits for their own development as a first priority. Localities need to control this as a locally administered program for nutrients traded within a jurisdictional boundary.
 - Base year for nutrient reductions should not be fixed on 2010 but on the time frame appropriate for each locality so as not to penalize those that

have already taken significant steps in their stormwater programs. The City of Manassas conducted a regional stormwater study in the late 1990s and implemented approximately \$10 million dollars of improvements. The City already follows the Northern Virginia Regional Commission (NVRC) “Northern Virginia Best Management Practices (BMP) Handbook” for the Occoquan Watershed that regulates both nitrogen, phosphorous, and total sediment loading associated with land development.

- The Waste Load Allocation (WLA’s) for industrial VPDES permit holders will likely require these companies to purchase expensive offsets if they are even available. EPA should be sensitive to this impact when evaluating any offset credit requirements.
4. The significant wastewater facilities identified in the plan are spending hundreds of millions to retrofit for nutrient reductions. The UOSA regional wastewater plant has some of the most expensive rates in the State because it outfalls to water supply. The State should step up with Water Quality Improvement funds (WQIF) to assist with the implementation of nutrient reduction initiatives at point sources and the federal government should also provide funding.
 5. The science being used is questionable. Taking the Bay’s TMDL model (Phase 5.3) for a seven state, 64,000 square mile area and scaling it down to a 10 sq. mile City is problematic. The City has supported the efforts of the Occoquan Watershed Monitoring Lab (OWML), Virginia Tech, for almost thirty years and has real data vs. untested assumptions on the watershed model for the City as it affects the downstream water supply in Fairfax County. The model has not been calibrated with this local data. Waste Load Allocations (WLA) should reflect the work of Dr. Tom Grizzard, Virginia Tech, Director of the Occoquan Watershed Monitoring Laboratory, with the needs to the Occoquan Water Supply.
 6. It is important to recognize the difference between small municipal separate storm sewer systems (MS4) communities and large phase 1 MS4 communities. There have been discussions on making all communities comply with the more stringent phase 1 requirement which does not recognize the difference in size and impact of a community. A “one size” fits all approach is not practical for administration of SWM program statewide.
 7. Requirements for a nutrient management plan for localities are not necessary. Most localities currently administer landscape plans in a prudent and cost effective manner.
 8. Insufficient time and information has been provided to the City from EPA to fully evaluate the proposed TMDL requirements. Until the actual allocation are made the City can not provide comments on the full extent and breadth of the impact of the WIP on the City of Manassas.